IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE THIRTY FIRST DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

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WRIT PETITION NO : 22515 of 1995

Between:

S.K.Ghouse Peer, S/o Laloo Saheb, Mohammadan,
R/o Porumamilla, Porumamilla Mandal, Cuddapah Dist.

..... PETITIONER

AND

1 The Director, Indian Medicine & Homeopathy, Dept.,
Secunderabad.
2 The Inspector of Police, Porumamilla Police Station,
Porumamilla, Porumamilla Mandal, Cuddapah Dist.
3 Smt.M.L.Nirmala, W/o P.Gnana Raju,
R/o Porumamilla, Porumamilla Mandal, Cuddapah Dist.

..RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of mandamus directing the 1st respondent not to allow 3rd respondent to practice medicine as incompetent and unqualified and as the R.M.P. and A.M.B.S. certificates obtained by her are bogus and to take steps to cancel the said certificates.

Counsel for the Petitioner:MR.K.V.NARASIMHA MURTHY

Counsel for the Respondent Nos.1 and 2: GP FOR MEDICAL HEALTH & FAMILY WELFARE

Counsel for the Respondent No.3: Mr.B.Narsimha Sarma

The Court made the following ORDER:

This writ petition is filed seeking a direction to the first respondent not to allow third respondent to practice Medicine and to declare the certificates of R.A.M.P. and A.M.B.S. obtained by her are bogus and to take steps to cancel the said certificates.

It is stated in the affidavit filed in support of the writ petition that the petitioner has approached the third respondent for treatment to his son for “Asthama” and that due to the treatment given by the third respondent, the condition of his son further deteriorated. Thereupon,
the petitioner had made a complaint to the Secretary, Medical and Health Family Welfare Department, A.P., Hyderabad stating that third respondent is practicing medicine by obtaining bogus certificates of R.A.M.P. and A.M.B.S. and manufacturing bogus fish medicine without any valid drug licence and prescribing the same to various patients. Based on the said complaint a case in Crime No.49 of 1995 under Section 420 IPC was registered against third respondent. The petitioner complains that no action was taken in the said case and the third respondent is being allowed to practice medicine. Hence, the present writ petition.

The first respondent filed counter-affidavit, stating that the third respondent is not a registered medical practitioner and the certificates obtained by her are bogus ones. It is also stated that the licence issued to the third respondent was limited to the extent of manufacturing the medicine for sale only and the same cannot be prescribed to patients. It is also stated that based on the complaints received against the third respondent, the Superintendent of Police, Cuddapah has been requested to take the action against the third respondent under Section 420 of IPC.

Heard the learned counsel for petitioner and learned Government Pleader for Medical and Health.

In view of the specific averment made in the counter affidavit that the Superintendent of Police was requested to take action against the third respondent under Section 420 of IPC, no further orders are required to be passed in the present writ petition.

Accordingly, the writ petition is disposed of. No costs.

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N.V.RAMANA,J

31st AUGUST, 2004.

TVK/kvni

To

1 The Director, Indian Medicine & Homeopathy, Dept.,
Secunderabad.
2 The Inspector of Police, Porumamilla Police Station,
Porumamilla, Porumamilla Mandal, Cuddapah Dist.
3 Two CCs to the Government Pleader for Medical, Health and Family Welfare,
A.P.High Court Buildings, Hyderabad. (OUT)

4. Two CD copies.

THE HON'BLE MR JUSTICE N.V. RAMANA

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WRIT PETITION NO : 22515 of 1995

Date: 31-8-2004